

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSEPH MARTIN NORTON, III,

Plaintiff,

v.

WILLIAM HUTCHINGSON, et al.,

Defendants.

Case No. 2:23-cv-00611-RFB-VCF

**ORDER**

**I. DISCUSSION**

This Court has entered two orders directing Plaintiff to file a fully complete application to proceed in forma pauperis. (ECF Nos. 3, 12). As explained in an earlier order, Plaintiff's application to proceed in forma pauperis (ECF No. 9) is still incomplete because Plaintiff has not submitted a completed financial certificate and a copy of his inmate prison trust fund account statement for the previous six-month period. (ECF No. 12). On July 17, 2023, the Court informed Plaintiff that it could not address any of his other motions until he filed a complete application by the July 27, 2023, deadline. (See ECF Nos. 12, 15). Plaintiff did not file a complete application, pay the full filing fee, or otherwise respond. The Court sua sponte grants Plaintiff one final opportunity to file a fully complete application or pay the full filing fee before it dismisses this case without prejudice.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed in forma pauperis." Nev. Loc. R. Prac. LSR 1-1. For an

inmate to apply for in forma pauperis status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. In forma pauperis status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

## II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of Court will send Plaintiff the approved form application to proceed in forma pauperis by an inmate, as well as the document entitled information and instructions for filing an in forma pauperis application.

It is further ordered that Plaintiff has **until September 29, 2023**, to either pay the full \$402 filing fee or file a completed financial certificate and inmate trust fund account statement.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed in forma pauperis or pay the required filing fee.

The Clerk of the Court is instructed to send Plaintiff a copy of this order.

DATED: August 15, 2023




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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE